

**CITY COUNCIL
ATLANTA, GEORGIA**

A RESOLUTION

**BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE**

02-R-1332

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$3,707.35 IN SETTLEMENT OF THE CLAIM
OF GREGORY A. TEAL, SR. AGAINST THE CITY OF
ATLANTA**

WHEREAS, Gregory A. Teal, Sr. has filed a claim against the City of Atlanta seeking damages arising out of a collision between his vehicle and a City garbage truck operated by Kassey Smith, an employee of the Bureau of Solid Waste Services; and

WHEREAS, the collision occurred as a result of the City employee backing into Mr. Teal's parked vehicle; and

WHEREAS, the Bureau of Solid Waste Services performs ministerial functions and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$3,707.35 and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Gregory A. Teal, Sr. be settled for the sum of \$3,707.35.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$3,707.35 be paid by the City of Atlanta in satisfaction of any and all claims Gregory A. Teal, Sr. may have stemming from damages sustained to his vehicle as a result of a vehicular accident that occurred on or about June 25, 2002 at 1027 Holly Street, NW.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2P01/529017/T33301.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
APPROVED by the Mayor**

**AUG 19, 2002
AUG 26, 2002**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0468

Date: July, 2002

Claimant /Victim GREGORY A. TEAL, SR.

BY: (Atty)(Ins. Co.) _____

Address: 3420 Acworth Due West Road, Kennesaw, Georgia 30144

Subrogation: _____ Claim for Property damage \$ 3,707.35 Bodily Injury \$ _____

Date of Notice: 07/08/02 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 06/26/02 Place: 1027 Holly Street, NW

Department Public Works Division: Solid Waste Services

Employee involved Kassey Smith Disciplinary Action: Pending

NATURE OF CLAIM: The driver of the City vehicle backed into the claimant's parked vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X

Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____

Traffic citations issued: City Driver X Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X

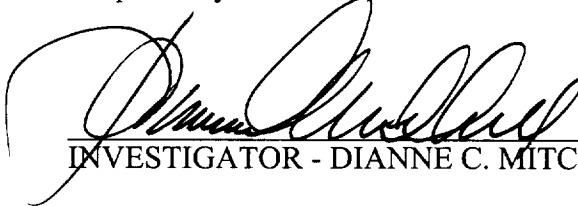
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

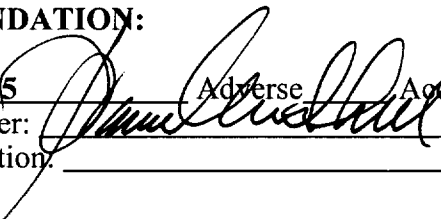
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 3,707.35 Adverse _____ Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 X

Claims Manager:  Concur/date 07-26-02

Committee Action: _____ Council Action _____

CONSENT I

08/19/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-1181
2. 02-O-1221
3. 02-O-1222
4. 02-O-1282
5. 02-O-1300
6. 02-O-1245
7. 02-O-1293
8. 02-O-1294
9. 02-O-1223
10. 02-O-1220
11. 02-O-1289
12. 02-O-1291
13. 02-O-1273
14. 02-O-1224
15. 02-O-1232
16. 02-O-1233
17. 02-O-1287
18. 02-R-1362
19. 02-R-1283
20. 02-R-1288
21. 02-R-1334
22. 02-R-1279
23. 02-R-1331
24. 02-R-1332
25. 02-R-1333
26. 02-R-1338
27. 02-R-1349
28. 02-R-1350
29. 02-R-1348
30. 02-R-1303
31. 02-R-1304
32. 02-R-1305
33. 02-R-1306

**ITEMS ADVERSED
ON CONSENT AGENDA**

34. 02-R-1307
35. 02-R-1308
36. 02-R-1309
37. 02-R-1310
38. 02-R-1311
39. 02-R-1312
40. 02-R-1313
41. 02-R-1314
42. 02-R-1315
43. 02-R-1316
44. 02-R-1317
45. 02-R-1318
46. 02-R-1319
47. 02-R-1320
48. 02-R-1321
49. 02-R-1322
50. 02-R-1323
51. 02-R-1324
52. 02-R-1325
53. 02-R-1326
54. 02-R-1327
55. 02-R-1328
56. 02-R-1329
57. 02-R-1330

1st Consent I Vote:

13Yeas; 0 Nays (See RCS #3910)

Items Removed from Consent: 02-O-1290; 02-O-1213; 02-R-1345; 02-O-1272

02-R-1332


(Do Not Write Above This Line)

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PAYMENT IN THE AMOUNT OF \$3,707.35
IN SETTLEMENT OF THE CLAIM OF
GREGORY A. TEAL, SR. AGAINST THE
CITY OF ATLANTA

APPROVED BY:


ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADOPTED BY

AUG 19 2002

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

COUNCIL

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair CHAIR CTM
Referred to _____

Committee <u>PSLA</u>	Committee
Date <u>7/30/02</u>	Date
Chair <u>CHAIR CTM</u>	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members <u>Malcolm Dickson</u> <u>Carla Smith</u>	Members <u>Calvin W. Woodard</u>
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
AUG 19 2002

ATLANTA CITY COUNCIL PRESIDENT

Calvin W. Woodard

CERTIFIED
AUG 19 2002

Frank Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

Andy Sanchez
AUG 26 2002
MAYOR